

**Senate Study Bill 1066 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

1 An Act relating to the licensure of the practice of  
2 naturopathic medicine.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician  
5 and surgeon, naturopathic physician, physician assistant,  
6 psychologist, chiropractor, nurse, dentist, dental hygienist,  
7 dental assistant, optometrist, speech pathologist, audiologist,  
8 pharmacist, physical therapist, physical therapist assistant,  
9 occupational therapist, occupational therapy assistant,  
10 respiratory care practitioner, practitioner of cosmetology  
11 arts and sciences, practitioner of barbering, funeral  
12 director, dietitian, marital and family therapist, mental  
13 health counselor, social worker, massage therapist, athletic  
14 trainer, acupuncturist, nursing home administrator, hearing aid  
15 dispenser, or sign language interpreter or transliterator means  
16 a person licensed under this subtitle.

17 6. "*Profession*" means medicine and surgery, podiatry,  
18 osteopathic medicine and surgery, naturopathic medicine,  
19 practice as a physician assistant, psychology, chiropractic,  
20 nursing, dentistry, dental hygiene, dental assisting,  
21 optometry, speech pathology, audiology, pharmacy, physical  
22 therapy, physical therapist assisting, occupational therapy,  
23 occupational therapy assisting, respiratory care, cosmetology  
24 arts and sciences, barbering, mortuary science, marital  
25 and family therapy, mental health counseling, social work,  
26 dietetics, massage therapy, athletic training, acupuncture,  
27 nursing home administration, hearing aid dispensing, or sign  
28 language interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended  
30 to read as follows:

31 1. A person shall not engage in the practice of medicine  
32 and surgery, podiatry, osteopathic medicine and surgery,  
33 naturopathic medicine, psychology, chiropractic, physical  
34 therapy, physical therapist assisting, nursing, dentistry,  
35 dental hygiene, dental assisting, optometry, speech pathology,

1 audiology, occupational therapy, occupational therapy  
2 assisting, respiratory care, pharmacy, cosmetology arts and  
3 sciences, barbering, social work, dietetics, marital and  
4 family therapy or mental health counseling, massage therapy,  
5 mortuary science, athletic training, acupuncture, nursing  
6 home administration, hearing aid dispensing, or sign language  
7 interpreting or transliterating, or shall not practice as a  
8 physician assistant, unless the person has obtained a license  
9 for that purpose from the board for the profession.

10 Sec. 3. Section 147.13, subsection 1, Code 2011, is amended  
11 to read as follows:

12 1. For medicine and surgery, osteopathic medicine and  
13 surgery, ~~and~~ acupuncture, and naturopathic medicine, the board  
14 of medicine.

15 Sec. 4. Section 147.74, Code 2011, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 22A. A naturopathic physician licensed  
18 under chapter 148F may use the words "naturopathic physician",  
19 "naturopathic doctor", "doctor of naturopathy", "naturopathic  
20 medical doctor", "doctor of naturopathic medicine",  
21 "naturopath" or the initials "N.D." or "N.M.D." after the  
22 person's name.

23 Sec. 5. Section 147.107, Code 2011, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 8A. Notwithstanding provisions of this  
26 section to the contrary, a licensed naturopathic physician may  
27 prescribe all substances and devices consistent within the  
28 level of training of the naturopathic physician unless added  
29 to the exclusionary naturopathic formulary by the naturopathic  
30 advisory council.

31 Sec. 6. Section 148E.3, subsection 1, Code 2011, is amended  
32 to read as follows:

33 1. A person otherwise licensed to practice medicine and  
34 surgery, osteopathic medicine and surgery, naturopathic  
35 medicine, chiropractic, podiatry, or dentistry who is

1 exclusively engaged in the practice of the person's profession.

2 Sec. 7. NEW SECTION. 148F.1 Definitions.

3 As used in this chapter, unless the context otherwise  
4 requires:

5 1. "*Approved naturopathic medical program*" means any of the  
6 following:

7 a. A naturopathic medical education program in the  
8 United States providing the degree of doctor of naturopathy  
9 or doctor of naturopathic medicine. Such program shall  
10 offer graduate-level, full-time didactic and supervised  
11 clinical training and shall be accredited, or shall have  
12 achieved candidacy status for accreditation by the council  
13 on naturopathic medical education or by an equivalent  
14 federally recognized accrediting body for naturopathic medical  
15 programs also recognized by the board. Additionally, the  
16 program shall be an institution, or part of an institution of  
17 higher education that is either accredited or is a candidate  
18 for accreditation by a regional or national institutional  
19 accrediting agency recognized by the United States secretary  
20 of education.

21 b. A degree-granting college or university that, prior  
22 to the existence of the council on naturopathic medicinal  
23 education, offered a full-time, structured curriculum in  
24 basic sciences and supervised patient care comprising a  
25 doctoral naturopathic medical education; such curriculum, as  
26 a prerequisite to graduation, consisted of not less than one  
27 hundred thirty-two weeks of study and required completion  
28 within a period of not less than thirty-five months; such  
29 college or university of naturopathic medicine shall have been  
30 reputable and in good standing in the judgment of the board,  
31 and if still in existence, shall have current programmatic  
32 accreditation by the council on naturopathic medical education  
33 or an equivalent federally recognized accrediting agency.

34 c. A diploma-granting, degree-equivalent college or  
35 university in Canada, that prior to accreditation by the

1 council on naturopathic medical education, had provincial  
2 approval for participation in government-funded student aid  
3 programs, and that offered a full-time, structured curriculum  
4 in basic sciences and supervised patient care comprising a  
5 doctoral naturopathic medical education; such curriculum, as  
6 a prerequisite to graduation, consisted of not less than one  
7 hundred thirty-two weeks of study and required completion  
8 within a period of not less than thirty-five months; such  
9 college or university of liberal arts and naturopathic medicine  
10 shall have been reputable and in good standing in the judgment  
11 of the board and, if still in existence, shall have current  
12 programmatic accreditation by the council of naturopathic  
13 medical education or an equivalent federally recognized  
14 accrediting agency. Additionally, the college or university  
15 currently shall have provincial approval for participation in  
16 government-funded student aid programs.

17 *d.* A diploma-granting, degree-equivalent college or  
18 university in Canada that offers graduate-level, full-time  
19 didactic and supervised clinical training and is accredited, or  
20 has achieved candidacy status for accreditation by the council  
21 on naturopathic medical education or an equivalent federally  
22 recognized accrediting body for naturopathic medical programs  
23 also recognized by the board; and the college or university  
24 has provincial approval for participation in government-funded  
25 student aid.

26 2. "*Board*" means the board of medicine established in  
27 section 147.13.

28 3. "*Director*" means the executive director of the board of  
29 medicine.

30 4. "*Exclusionary naturopathic formulary*" means the  
31 exclusionary list of medicines, nonprescription and  
32 prescription, which naturopathic physicians may not use in the  
33 practice of their profession, as determined by the naturopathic  
34 advisory council.

35 5. "*Minor office procedures*" means methods for the repair

1 and care incidental to superficial lacerations and abrasions,  
2 superficial lesions, and the removal of foreign bodies located  
3 in the superficial tissues.

4 6. "*Naturopathic advisory council*" means the naturopathic  
5 advisory council as established under this chapter.

6 7. "*Naturopathic childbirth attendance*" means the specialty  
7 practice of natural childbirth by a naturopathic physician that  
8 includes the management of normal pregnancy, normal labor and  
9 delivery, and the normal postpartum period, including normal  
10 newborn care.

11 8. "*Naturopathic medicine*" means a system of primary health  
12 care for the prevention, diagnosis, and treatment of human  
13 health conditions, injury, and disease, and the promotion or  
14 restoration of health. "*Naturopathic medicine*" includes the use  
15 of physiological, psychological, or mechanical methods, and the  
16 use of natural medicines, prescription or legend drugs, foods,  
17 herbs, or other natural remedies.

18 9. "*Naturopathic physician*" means a practitioner of  
19 naturopathic medicine who has been properly licensed for that  
20 purpose by the board of medicine under this chapter, who may  
21 diagnose, treat, and help prevent diseases using a system  
22 of practice that is based on the natural healing capacity  
23 of individuals, and may use physiological, psychological,  
24 or mechanical methods, and may use natural medicines,  
25 prescription, or legend drugs, foods, herbs, or other natural  
26 remedies.

27 10. "*Prescription drug*" means any drug described in section  
28 503(b) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. §  
29 353, if its label is required to bear the symbol "RX only".

30 Sec. 8. NEW SECTION. 148F.2 Licensure — naturopathic  
31 medicine.

32 1. *Qualifications for licensure.* An applicant for a license  
33 to practice naturopathic medicine shall be granted a license  
34 by the board if the applicant satisfies all of the following  
35 requirements:

1     *a.* Submits an application for licensure designed and  
2 approved by the naturopathic advisory council.

3     *b.* Pays an application fee established by the board.

4     *c.* Has graduated from an approved naturopathic medical  
5 program.

6     *d.* Has passed a competency-based national naturopathic  
7 licensing examination administered by the north American board  
8 of naturopathic examiners or successor agency, that has been  
9 nationally recognized to administer a naturopathic examination  
10 representing federal standards of education and training. For  
11 applicants who completed an approved naturopathic medical  
12 program located in Canada, eligibility for licensure may be  
13 granted with evidence of successful passage of a Canadian  
14 provincial competency examination.

15     *e.* Provides evidence that the applicant is of good ethical  
16 and professional reputation. An applicant shall not have had  
17 a license to practice naturopathic medicine or other health  
18 care license registration or certificate refused, revoked,  
19 or suspended by this state or any other jurisdiction for  
20 reasons that relate to the applicant's ability to skillfully  
21 and safely practice naturopathic medicine unless that license,  
22 registration, or certification has been restored to good  
23 standing.

24     *f.* Provides evidence that the applicant is physically and  
25 mentally capable of safely practicing naturopathic medicine  
26 with or without reasonable accommodation.

27     2. *Term of license.* A license granted pursuant to this  
28 section shall be renewed every two years.

29     3. *Natural childbirth attendance privileges.* An applicant  
30 seeking privileges to perform natural childbirth attendance  
31 shall satisfy all of the additional requirements:

32     *a.* Graduation from a naturopathic midwifery or naturopathic  
33 obstetrics program that is offered by an approved naturopathic  
34 medical program.

35     *b.* Passage of the north American registry of midwives

1 examination or the American college of naturopathic  
2 obstetricians examination.

3 c. The board may adopt other requirements by rule, based on  
4 recommendations of the naturopathic advisory council.

5 Sec. 9. NEW SECTION. 148F.3 Use of title — exceptions.

6 1. A person shall not represent that the person is a  
7 naturopathic physician, a doctor of naturopathic medicine, a  
8 doctor of naturopathy, a naturopath, or as being otherwise  
9 authorized to practice naturopathic medicine in this state, or  
10 use the titles "N.D." or "N.M.D." or any other titles, words,  
11 letters, abbreviations, or insignia indicating or implying that  
12 the individual is a licensed naturopathic physician unless  
13 the individual has been licensed as a naturopathic physician  
14 pursuant to this chapter without first obtaining from the board  
15 a license to practice naturopathic medicine pursuant to the  
16 provisions of this chapter.

17 2. The practice of naturopathic medicine by a naturopathic  
18 physician licensed pursuant to this chapter does not constitute  
19 the practice of medicine and surgery under chapter 148, the  
20 practice of osteopathic medicine and surgery under chapter 148,  
21 or the practice of nursing under chapter 152.

22 3. This chapter and chapter 147 do not prevent qualified  
23 members of other professions including but not limited  
24 to individuals licensed under chapter 148, 150, 150A, or  
25 152 from providing services consistent with the nature of  
26 naturopathic medicine, but these persons shall not use a title  
27 or description denoting that they are licensed naturopathic  
28 physicians.

29 Sec. 10. NEW SECTION. 148F.4 Duties of board.

30 The board shall adopt rules consistent with this chapter,  
31 chapter 147, and as recommended by the naturopathic advisory  
32 council which are necessary for the performance of its duties.

33 Sec. 11. NEW SECTION. 148F.5 Naturopathic advisory council.

34 1. A naturopathic advisory council is established,  
35 consisting of the following members:

1     *a.* Three members who are naturopathic physicians eligible  
2 for licensure, appointed by the governor.

3     *b.* One member who is a pharmacist licensed in Iowa,  
4 appointed by the governor.

5     *c.* One member who is a medical or osteopathic physician  
6 licensed in Iowa, who has expertise in natural or integrative  
7 medicine.

8     2. Members shall not receive per diem or expense payments.

9     3. Members shall serve two-year terms, and shall serve until  
10 their successors have been appointed.

11    4. The council shall select a chairperson from its  
12 membership.

13    Sec. 12. NEW SECTION. 148F.6 Council powers and duties.

14    The naturopathic advisory council shall do all of the  
15 following:

16    1. Advise the board regarding standards for licensed  
17 naturopathic physicians.

18    2. Provide for distribution of information regarding  
19 licensed naturopathic physician standards.

20    3. Advise the board on enforcement issues.

21    4. Review applications for licensure and license renewal  
22 and recommend the granting or denial thereof.

23    5. Advise the board on issues related to receiving and  
24 investigating complaints, conducting hearings, and imposing  
25 disciplinary action in relation to complaints against licensed  
26 naturopathic physicians.

27    6. Review naturopathic education and training for and  
28 make specific recommendations to the board regarding the  
29 qualifications to practice naturopathic childbirth attendance.

30    7. Recommend to the board any prescription drugs which  
31 should be included on the exclusionary naturopathic formulary.

32    8. Advise the board regarding approval of continuing  
33 education programs specific to naturopathic practice.

34    Sec. 13. NEW SECTION. 148F.7 Scope of practice.

35    A naturopathic physician may do any of the following:

- 1     1. Order and perform physical and laboratory examinations  
2 consistent with naturopathic education and training for  
3 diagnostic purposes, including but not limited to phlebotomy,  
4 clinical laboratory tests, orificial examinations, and  
5 physiological function tests.
- 6     2. Order diagnostic imaging studies consistent with  
7 naturopathic training. All diagnostic tests not consistent  
8 with naturopathic medical education and training must be  
9 referred for performance and interpretation to an appropriately  
10 licensed health care professional.
- 11    3. Dispense, administer, order, and prescribe, provide, or  
12 perform the following, as applicable:
  - 13     *a.* Food, extracts of food, nutraceuticals, vitamins, amino  
14 acids, minerals, enzymes, botanicals and their extracts,  
15 botanical medicines, homeopathic medicines, and all dietary  
16 supplements and nonprescription drugs as defined by the federal  
17 Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.
  - 18     *b.* Prescription or legend drugs and hormonal replacement.
  - 19     *c.* Hot or cold hydrotherapy, naturopathic physical medicine,  
20 and therapeutic exercise.
  - 21     *d.* Devices, including but not limited to therapeutic  
22 devices, barrier contraception, and durable medical equipment.
  - 23     *e.* Health education and health counseling.
  - 24     *f.* Repair and care incidental to superficial lacerations and  
25 abrasions.
  - 26     *g.* Removal of foreign bodies located in the superficial  
27 tissues.
  - 28     *h.* Musculoskeletal manipulation consistent with  
29 naturopathic education and training.
- 30    4. Utilize routes of administration that include oral,  
31 nasal, auricular, ocular, rectal, vaginal, transdermal,  
32 intradermal, subcutaneous, intravenous, and intramuscular  
33 consistent with the education and training of a naturopathic  
34 physician.
- 35    5. Perform all therapies as trained and educated, and

1 approved by the naturopathic advisory council.

2 Sec. 14. NEW SECTION. 148F.8 Prohibitions.

3 A naturopathic physician licensed under this chapter shall  
4 not do any of the following:

5 1. Perform or induce abortions.

6 2. Perform surgical procedures except those minor office  
7 procedures authorized by this chapter.

8 3. Practice or claim to practice as a medical or osteopathic  
9 physician, dentist, podiatrist, optometrist, psychologist,  
10 advanced practice registered nurse, physician assistant,  
11 chiropractor, physical therapist, acupuncturist, or any other  
12 health care provider not authorized in this chapter unless  
13 licensed by the state of Iowa as such.

14 4. Use general or spinal anesthetics.

15 5. Administer ionizing radioactive substances for  
16 therapeutic purposes.

17 6. Administer or prescribe chemotherapeutic medications for  
18 the purpose of cancer treatment.

19 7. Perform surgical procedures of the eye, ear, nerves,  
20 veins, or arteries extending beyond superficial tissue.

21 Sec. 15. NEW SECTION. 148F.9 Exemptions.

22 Nothing in this chapter shall be construed to prohibit or  
23 restrict:

24 1. The practice of a profession by individuals who are  
25 licensed, certified, or registered under other laws of this  
26 state who are performing services within their authorized scope  
27 of practice.

28 2. The practice of naturopathic medicine by an individual  
29 employed by the government of the United States while the  
30 individual is engaged in the performance of duties prescribed  
31 by the laws and regulations of the United States.

32 3. The practice of naturopathic medicine by students  
33 enrolled in an approved naturopathic medical program. The  
34 performance of services shall be pursuant to a course of  
35 instruction or assignments from an instructor and under the

1 supervision of the instructor. The instructor shall be a  
2 naturopathic physician licensed pursuant to this chapter or a  
3 duly licensed professional in the instructed field.

4 4. Persons from treating themselves and family members  
5 based on religious or health beliefs.

6 5. Persons who sell vitamins and herbs from providing  
7 information about their products.

8 6. Persons or practitioners from advising in the use of  
9 a therapy, including but not limited to: herbal medicine,  
10 homeopathy, nutrition, or other nondrug or nonsurgical therapy  
11 that is within the scope of practice of naturopathic physicians  
12 as outlined in this chapter as long as such therapy is lawful,  
13 or, if a licensed health care provider, within the scope of  
14 practice of the profession; and provided that such person is  
15 not using a title protected pursuant to this chapter or holding  
16 themselves out to be a naturopathic physician.

17 7. The practice of naturopathic medicine by persons who  
18 are licensed to practice in any other state as practicing  
19 naturopathic physicians, who enter this state to consult with  
20 a licensed naturopathic physician in this state; provided,  
21 however, that the consultation is to be limited to examination,  
22 recommendation, or testimony in litigation.

23 EXPLANATION

24 This bill requires the licensing of naturopathic physicians.  
25 The bill provides that the practice of naturopathic medicine  
26 means the provision of naturopathic services defined as a  
27 system of primary health care for the prevention, diagnosis,  
28 and treatment of human health conditions, injury, and disease,  
29 and the promotion or restoration of health. Naturopathic  
30 medicine includes the use of physiological, psychological,  
31 or mechanical methods, and the use of natural medicines,  
32 prescription or legend drugs, foods, herbs, or other natural  
33 remedies. The bill specifies qualifications for licensure and  
34 the scope of practice for a naturopathic physician, and details  
35 functions that a naturopathic physician may not perform.

1 The practice of naturopathic medicine is regulated by the  
2 board of medicine, with the advice of a naturopathic advisory  
3 council. The council consists of five members, three of  
4 whom are naturopathic physicians, one medical or osteopathic  
5 physician, and a pharmacist. The council does not receive per  
6 diem or expenses.

7 The bill provides that qualified members of other  
8 professions, including physicians and nurses, are not prevented  
9 from providing services consistent with naturopathic medicine,  
10 but these persons shall not use a title or description denoting  
11 that they are naturopathic physicians. The bill sets out these  
12 titles.